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E.O. 12958: DECL: 10/31/2016

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SUBJECT: EL SALVADOR: CHARGE DELIVERS DEMARCHE ON PRISONER TRANSFER TREATY

REF: STATE 179139

Classified By: Charge Michael A. Butler, Reasons 1.4 (b) and (d).

¶1. (C) Accompanied by DOJ Attache and Acting polcouns, Charge met October 30 with Acting Foreign Minister Margarita Escobar and delivered reftel demarche regarding El Salvador's possible accession to the OAS Prisoner Transfer Treaty. While Escobar was receptive to pursuing the OAS route, she and her staff noted that what the GOES is really seeking is a legal mechanism whereby deportees with criminal records can be incarcerated on arrival in El Salvador. Charge again underscored that deportees with criminal records who are returned to El Salvador have completed their sentences, a point on which Escobar and other GOES officials have repeatedly expressed confusion. Escobar also raised the oft-heard complaint that criminal deportees arrive from the U.S. without adequate documentation outlining the exact nature and seriousness of their respective criminal records. (Note: Criminal deportees' detailed criminal records are in fact provided to Salvadoran consulates in the U.S., but inadequate communication between the MFA and Ministry of Governance security agencies is apparently responsible for this widespread misconception. End note.) Charge and DOJ Attache offered to meet with GOES representatives as needed in the future to help clarify any unclear language in criminal deportees' records (the terminology of which can vary from state to state).

¶2. (C) DCM and DOJ Attache had on October 26 met with Vice Minister of Governance Astor Escalante to discuss the OAS Treaty and related themes. Like Escobar, Escalante had expressed the GOES's confusion regarding the utility of a prisoner transfer treaty in dealing with the issue of criminal deportees from the United States. Emboffs clarified to Escalante that a prisoner transfer treaty applies to currently-incarcerated criminals--not to criminal deportees who have completed their sentences prior to deportation. Vice Minister Escalante agreed that, given its limitations, a prisoner transfer treaty would not address the problem in the way that they had originally hoped. Before the close of the meeting, the DCM expressed his disappointment at the GOES's repeated attempts to blame much of the country's crime problem on criminal deportees from the United States, and urged Escalante and the GOES to work together with the USG in finding real solutions, rather than continuing attempts to lay blame elsewhere.

¶3. (C) COMMENT: The meetings with Escalante and Escobar, both friendly and reliable interlocutors, were cordial and cooperative in tone. While it is a positive development that

the GOES is open to routes other than simply delaying the return of their nationals, Escobar was clearly somewhat disappointed that the OAS Prisoner Transfer Treaty did not offer the type of mechanism the GOES is seeking. In any event, adoption of the OAS Treaty would add another tool to the range of technical measures we are pursuing to mitigate the impact of the return of violent criminals to El Salvador, and we will continue the closest possible coordination on the issue.

Butler